

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

KENNETH ALEXANDER	§	
v.	§	CIVIL ACTION NO. 6:10cv512
SMITH COUNTY DISTRICT ATTORNEYS OFFICE, ET AL.	§	
and		
KENNETH ALEXANDER	§	
v.	§	CIVIL ACTION NO. 6:10cv558
SMITH COUNTY DISTRICT ATTORNEYS OFFICE, ET AL.	§	

MEMORANDUM ADOPTING REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE
AND ORDER OF CONSOLIDATION

The Plaintiff Kenneth Alexander, proceeding *pro se*, filed these lawsuits under 42 U.S.C. §1983 complaining of alleged violations of his constitutional rights. This Court ordered that the cases be referred to the United States Magistrate Judge pursuant to 28 U.S.C. §636(b)(1) and (3) and the Amended Order for the Adoption of Local Rules for the Assignment of Duties to United States Magistrate Judges.

After review of the pleadings, the Magistrate Judge issued a Report recommending that the two cases be consolidated into a single action, under cause no. 6:10cv512. The Magistrate Judge further recommended that Alexander only be charged one filing fee for this consolidated petition.

A copy of this Report was sent to Alexander at his last known address, return receipt requested, but no objections have been received; accordingly, he is barred from *de novo* review by the district judge of those findings, conclusions, and recommendations and, except upon grounds of plain error, from appellate review of the unobjected-to factual findings and legal conclusions

accepted and adopted by the district court. Douglass v. United Services Automobile Association, 79 F.3d 1415, 1430 (5th Cir. 1996) (*en banc*).

The Court has reviewed the pleadings in this cause and the Report of the Magistrate Judge and has determined that this Report is correct. It is accordingly

ORDERED that the Report of the Magistrate Judge (docket no.9) is ADOPTED as the opinion of the District Court. It is further

ORDERED that the above-styled civil actions be and hereby are CONSOLIDATED for all purposes into one lawsuit, styled as Alexander v. Smith County District Attorney's Office, et al., civil action no. 6:10cv512. *See* Rule 42(a), Fed. R. Civ. P. Any pleadings or documents received in either case shall be docketed in cause no. 6:10cv512; no further entries, after this order of consolidation, shall be made on the docket of cause no. 6:10cv558. It is further

ORDERED that, inasmuch as cause no. 6:10cv558 is wholly subsumed within cause no. 6:10cv512, a separate filing fee shall not be charged for cause no. 6:10cv558. This order of consolidation shall not affect the substantive rights of any party to this case. Finally, it is

ORDERED that any motions which may be pending in cause no. 6:10cv558 are hereby DENIED, without prejudice to their re-urging, if necessary, in cause no. 6:10cv512.

So ORDERED and SIGNED this 21st day of December, 2010.

A handwritten signature in black ink, appearing to read 'Leonard Davis', written over a horizontal line.

**LEONARD DAVIS
UNITED STATES DISTRICT JUDGE**